

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIAM CLARK,

*Plaintiff,*

vs.

GREGORY COX, *et al.*

*Defendants.*

2:12-cv-01265-APG-NJK

ORDER

This prisoner civil rights action comes before the Court on Plaintiff's motion (Docket No. 16) for production of documents and motion (Docket No. 18) for a scheduling order.

Defendants have not responded to the Court's September 30, 2013, Order (Docket No. 12) directing that the Attorney General's Office file a notice within twenty-one (21) days advising of the names of Defendants for whom service will be accepted or not accepted.

This now is the second deadline in this case that defense counsel has missed. Counsel's last extension motion stated that she had two cases with similar sounding names and got them confused. Counsel must, nonetheless, straighten out her cases and her calendaring of deadlines. If she does not do so in this instance, the Court will: (a) direct formal service of the pleadings and summonses personally on the defendant officer through the Marshal, wherever he may be found by the Marshal, and charge defendant the costs of such manner of service; and (b) consider imposition of sanctions also directly against counsel for her repeated failures to comply with Court Orders in this matter.

....

1 Plaintiff's motion for a scheduling order will be granted to the extent consistent with the  
2 remaining provisions of this Order.

3 Plaintiff's motion for production of documents will be denied. Production of documents  
4 is obtained through a request for production of documents, not through a motion.<sup>1</sup> Discovery  
5 will not commence until an answer has been filed and a scheduling order has been issued.  
6 The service procedures under the Court's prior Order (Docket No. 12) first must be completed  
7 prior to such steps.

8 IT THEREFORE IS ORDERED that defense counsel shall comply with numbered  
9 paragraphs (4) and (5) of the Court's prior Order (Docket No. 12) within **twenty-one days** of  
10 entry of this order.<sup>2</sup>

11 IT FURTHER IS ORDERED that Plaintiff's motion (Docket No. 18) for a scheduling  
12 order is GRANTED IN PART consistent with the remaining provisions of this Order and  
13 otherwise is DENIED IN PART, including as to Plaintiff's request to commence discovery.

14 IT FURTHER IS ORDERED that Plaintiff's motion (Docket No. 16) for production of  
15 documents is DENIED.

16 DATED: December 11, 2013.

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20 NANCY J. KOPPE  
21 United States Magistrate Judge  
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24 <sup>1</sup>  
25 While the motion is titled as a request rather than a motion, it was filed in the record and includes a prayer  
26 for relief to the Court. Discovery requests are directed to the opposing party, not to the Court, and they are not  
27 filed in the record.

28 <sup>2</sup>  
If service is accepted for a defendant, an answer for that defendant will be due sixty (60) days thereafter,  
pursuant to numbered paragraph (6) of the prior Order (Docket No. 12). The Court trusts that further proceedings  
will not be necessary in that regard due to a failure to calendar and comply with the deadline.